

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA,

Civil Action No.:  
04-CV-834S

Plaintiff,

-vs-

Steven M. Kleckler  
et al.

Defendants.

---

**JUDGMENT FOR DEFICIENCY**

The Plaintiff herein having moved this Court by Notice of Motion returnable  
July 8, 2005, for an Order:

- a) Confirming the U.S. Marshal's Report of Sale in the above entitled action; and
- b) Granting leave to Plaintiff to enter a deficiency judgment in favor of Plaintiff and against the Defendant, Steven M. Klecker, in the sum of \$43,940.88, plus interest, costs and disbursements of this action; and
- c) Granting the Plaintiff such other further relief as may be just and proper; and

IT APPEARING to the satisfaction of the Court that due notice of the filing of the U.S. Marshal's Report of Sale herein has been given to the parties entitled thereto and that no exceptions to said report have been filed, although the time for doing so has fully expired and that eight days have elapsed since said report was filed and it further appearing that the proceeds of said sale were not sufficient to pay the amount ordered by the judgment to be paid to the Plaintiff, as adjudged by the judgment heretofore entered in this action,

NOW on reading and filing Notice of Motion returnable July 8, 2005, and the papers annexed thereto, consisting of a copy of the U.S. Marshal's Report of Sale herein dated 5/11/2005, and the original Report having been heretofore filed with the Clerk of this Court, the Affidavit of Gerald N. Murphy, Esq., sworn to the 10<sup>th</sup> day of June, 2005, the Appraisal of Thomas M. Fuhrmann, dated 12/8/2004, and upon proof of due service thereof upon the Defendant, Steven M. Kleckler and neither Defendant nor his attorney having appeared or submitted any papers in opposition to the motion and upon all proceedings heretofore had herein and due deliberation having been had thereon,

NOW, upon Motion of Forsyth, Howe, O'Dwyer, Kalb & Murphy, P.C., Gerald N. Murphy, Esq. of Counsel, attorneys for the Plaintiff herein, it is

ORDERED AND ADJUDGED that the motion of the Plaintiff for an Order confirming the U.S. Marshal's Report of Sale in this action be and the same is hereby granted; and it is further

ORDERED AND ADJUDGED that the Motion of the Plaintiff for leave to enter a deficiency judgment in favor of the Plaintiff and against the Defendant, Steven M. Klecker, in the sum of \$43,940.88, plus interest from 5/11/2005, at 3.13 % percent per annum is GRANTED, and that the plaintiff have execution therefore.

Signed this 24th day of July, 2005.

ENTER: Buffalo, New York

/s/William M. Skretny  
HONORABLE William M. Skretny  
U.S. DISTRICT JUDGE